

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317)232-9855

FISCAL IMPACT STATEMENT

LS 6210

BILL NUMBER: HB 1078

DATE PREPARED: Nov 12, 1998

BILL AMENDED:

SUBJECT: Elections.

FISCAL ANALYST: Beverly Holloway

PHONE NUMBER: 232-9851

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill makes the following changes in election law:

- (A) Amends the definitions of "active voter" and "political action committee".
- (B) Makes certain changes with respect to voter registration forms and procedures.
- (C) Allows county election board or voter registration board members certain lodging allowances.
- (D) Contains various changes in the law regarding placement of candidates on the ballot.
- (E) Includes language from federal regulations relating to the federal disclaimer law in Indiana's election disclaimer statute.
- (F) Permits certain towns to expand the size of the town legislative body.
- (G) Provides that the county executive may establish a precinct that is located within a university campus without regard to the number of registered voters permitted by law if less than 40% of the active voters entitled to vote in the precinct voted in the last primary election. (Current law allows the precinct to be established without regard to the number of voters if less than 40% voted in the last general election.)
- (H) Makes various changes relating to absentee voting.
- (I) Changes the procedures for breaking a tie vote in an election for the governing board of a school corporation in Tippecanoe County.

(J) Makes other technical changes in election law.

(The introduced version of this bill was prepared by the Census Data Advisory Commission.)

Effective Date: Upon passage; July 1, 1995 (retroactive); January 1, 1997 (retroactive); July 1, 1997. (retroactive); January 1, 1998 (retroactive).

Explanation of State Expenditures: (B) Implementation of this provision will have a minimal or no fiscal impact to the Indiana Election Commission and the Election Division, Secretary of State's Office.

The remaining provisions of this bill will have a minimal or no fiscal impact to the Election Division. The provisions having a minimal fiscal impact can be absorbed within the existing budget.

Explanation of State Revenues: (E) This bill expands Indiana's election disclaimer statute to include federal regulations in this area. The Indiana Election Commission is responsible for the enforcement of election disclaimer statute for individuals running for a state office.

A Class A Misdemeanor is the criminal offense for the violation of the disclaimer statute. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, county or municipal court (courts of record), 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: (B) The implementation of this provision will have a minimal or no fiscal impact to a county election board and a county voter registration office.

(C) This bill allows county election board members certain lodging allowances equal to the lodging allowance provided to state employees. Currently, state employees are reimbursed for lodging expenses not to exceed the single occupancy room charge, including taxes. This fiscal impact of this provision is dependent on local action.

(E) A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

(F) Currently, a town that wishes to expand the size of its board must hold a referendum of the voters in the town. This bill allows towns with populations greater than 10,000 to add two additional members to the town board without the public question by adopting an ordinance to do so. According to the 1990 census, nine Indiana towns have populations over 10,000. This provision should have a minimal reduction in expenditures.

This bill allows the town legislative body of towns with a population of less than 5,000 and located in Hendricks County to adopt an ordinance to increase the membership of the legislative body from three members to five members. There are eight towns in Hendricks County which could be impacted by this provision of the bill. These same towns would be permitted to stagger the terms of all the members by changing the dates on which some of the members would be elected. This bill would not require any special elections to be held.

A town that expands the size of its board would incur additional expense for the salaries of the new members.

The actual fiscal impact depends on the number of town that adopt the ordinance and the level of compensation afforded to board members.

(I) This bill would transfer the responsibility of breaking a tie vote for the Tippecanoe County school board elections and filling a vacancy on the governing body of a school corporation from the judge of the circuit court to either the local fiscal body or the political subdivision's executive or the town's clerk-treasurer. This bill will transfer the cost from Tippecanoe County to a city or town within the county. It is unknown how many tie votes must be resolved. The fiscal impact of this provision can be absorbed within the existing budget of a city or town.

Explanation of Local Revenues: (E) The county election board is responsible for enforcing election disclaimer statute for individuals who run for local office. If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed, and if collected would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Election Commission; Election Division, Secretary of State's Office.

Local Agencies Affected: Tippecanoe County; Tippecanoe County Circuit Court; City or town within Tippecanoe County; Towns of Clarksville, Dyer, Griffith, Highland, Merrillville, Munster, Plainfield, Schererville, and Speedway; Towns of Avon, Clayton, Coatsville, Danville, Jamestown, Lizton, North Salem in Hendricks County; County election board; County voter registration office; County executive and county fiscal bodies; Trial courts; Local law enforcement agencies.

Information Sources: Brad King, Co-General Counsel, Indiana Election Commission, (317) 232-3929. Brenda Jones-Matthews, Johnson County Clerk, (317) 736-3708.